

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* 1st as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Arizona Administrative Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

PREAMBLE

1. Sections Affected: R19-2-121
Rulemaking Action: Amend
2. The specific authority for rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
Authorizing statute: A.R.S. § 5-104(A)(2)
Implementing statute: A.R.S. § 5-107.01(B)
3. The effective date of the rules:
August 7, 1996
4. A list of all previous notices appearing in the Register addressing the final rule:
Notice of Rulemaking Docket Opening:
2 A.A.R. 1314, March 22, 1996

Notice of Proposed Rulemaking:
2 A.A.R. 1528, April 26, 1996
5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
Name: William J. Walsh
Address: Department of Racing
15 South 15th Avenue, Suite 100
Phoenix, Arizona 85007

Telephone: (602) 542-5151
Fax: (602) 542-5177
6. An explanation of the rule, including the agency's reasons for initiating the rule:
The amendment strikes the position of announcer from the list of track officials. The rule change was initiated at the request of some of the state's racetracks. The Department does not believe that the announcers at the racetracks need to be included as track officials. It should be noted that the individuals filling those positions will still be licensed by the Department as are all other track employees.
7. A showing of good cause why the rule is necessary to promote statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state.
Not applicable.
8. The summary of the economic, small business and consumer impact:
None.
9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):
No changes were made.
10. A summary of the principal comments and the agency response to them:
There were no comments.
11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific agency or to any specific rule or class of rules:
None.
12. Incorporations by reference and their location in the rules:
Not applicable.

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13. Was the rule previously adopted as an emergency rule?

No.

14. The full text of the rules follows:

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

ARTICLE 3. HORSE RACING

Section

R19-2-121. Officials

ARTICLE 3. HORSE RACING

R19-2-121. Officials

A. Generally

1. The term "track official" means the following persons employed by the permittee and approved and licensed by the Department: Director of Racing, 1 steward, mutuel manager, patrol judges, clerk of the scales, starter, timer, paddock judge, track veterinarian, track superintendent, ~~announcer~~, racing secretary, assistant racing secretary, handicapper, horsemen's bookkeeper, jockey room custodian, and chief of security.

2. No change.
3. No change.
4. No change.
5. No change.
 - a. No change.
 - b. No change.
 - c. No change.
6. No change.
7. No change.

B. No change.

1. No change.
2. No change.
3. No change.
4. No change.
5. No change.

C. No change.

D. No change.

1. No change.
2. No change.
3. No change.

E. No change.

1. No change.
 - a. No change.
 - b. No change.
 - c. No change.
2. No change.
3. No change.
 - a. No change.
 - b. No change.
 - c. No change.
 - d. No change.
 - e. No change.
 - f. No change.
 - g. No change.
 - h. No change.
 - i. No change.
4. No change.
5. No change.
 - a. No change.
 - b. No change.
 - i. No change.
 - ii. No change.

c. No change.

6. No change.

- a. No change.
- b. No change.
- c. No change.
- d. No change.
- e. No change.
- f. No change.
- g. No change.
- h. No change.
- i. No change.
- j. No change.
- k. No change.

7. No change.

F. No change.

1. No change.
 - a. No change.
 - b. No change.
2. No change.
3. No change.
 - a. No change.
 - b. No change.
4. No change.
 - a. No change.
 - b. No change.
5. No change.
 - a. No change.
 - b. No change.
 - c. No change.
6. No change.
7. No change.
8. No change.

G. No change.

H. No change.

1. No change.
 - a. No change.
 - b. No change.
 - c. No change.
2. No change.
3. No change.

I. No change.

1. No change.
2. No change.

J. No change.

1. No change.
 - a. No change.
 - b. No change.
 - c. No change.
 - d. No change.
 - e. No change.
2. No change.
3. No change.
4. No change.

K. No change.

1. No change.
 - a. No change.
 - b. No change.

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- c. No change.
- 2. No change.
- 3. No change.
- L. No change.
 - 1. No change.
 - a. No change.
 - b. No change.
 - 2. No change.
 - 3. No change.
- M. No change.
 - 1. No change.
 - 2. No change.
 - 3. No change.
- N. No change.
 - 1. No change.
 - a. No change.
 - b. No change.
 - c. No change.
 - d. No change.
 - e. No change.
 - 2. No change.
- O. No change.
 - 1. No change.
 - 2. No change.
 - 3. No change.
 - 4. No change.
- 5. No change.
- 6. No change.
- P. No change.
 - 1. No change.
 - 2. No change.
 - 3. No change.
 - 4. No change.
 - 5. No change.
 - 6. No change.
 - 7. No change.
 - a. No change.
 - i. No change.
 - ii. No change.
 - iii. No change.
 - iv. No change.
 - b. No change.
 - c. No change.
 - d. No change.
 - e. No change.
 - f. No change.
 - 8. No change.
- Q. No change.
 - 1. No change.
 - 2. No change.
 - 3. No change.

NOTICE OF FINAL RULEMAKING

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 3. ARIZONA STATE LOTTERY COMMISSION

PREAMBLE

- 1. Sections Affected: R19-3-322 Rulemaking Action: New Section
- 2. The specific authority for rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):
 - Authorizing statute: A.R.S. § 5-504(B)
 - Implementing statute: A.R.S. § 5-504(B)
- 3. The effective date of the rules:
 - August 27, 1996
- 4. A list of all previous notices appearing in the Register addressing the final rule:
 - Notice of Rulemaking Docket Opening:
 - 2 A.A.R. 2054, March 24, 1996
 - Notice of Proposed Rulemaking:
 - 2 A.A.R. 3143, June 14, 1996
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
 - Name: Sandy Williams, Executive Director
 - Address: Arizona State Lottery Commission
4740 East University
Phoenix, Arizona 85034
 - Telephone: (602) 921-4400
- 6. An explanation of the rule, including the agency's reasons for initiating the rule:

R19-3-322 sets forth provisions unique to the conduct of the Arizona Lottery's instant games. The provisions of this rule are necessary to implement the requirements of A.R.S. § 5-504(B) which have not been specified generically in R19-3-301. The unique provisions described in this rule are the nature and location of play symbols, the ticket number, the validation code, the prize denominations, and the method of selecting a winning ticket.

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7. A showing of good cause why the rule is necessary to promote statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state.
Not applicable.
8. The preliminary summary of the economic, small business and consumer impact:
This game will provide our players with a larger variety of instant games with a potential increase in sales. The only impact this rule has upon Lottery retailers is to specify how they determine if a ticket is a winning ticket and, if so, the prize amount.
9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):
Section Heading: The name of the game in the proposed rule, "COYOTES CASH", was changed to "POWER PLAY" in the final rule. Also, the Section number was corrected from "R19-3-312" to "R19-3-322".

(A) The word "are" was changed to "area."

(H) The name "COYOTES CASH" was changed to "POWER PLAY". "Game 1" was changed to "GAME 1", "Game 2", was changed to "GAME 2", and "Game 3" was changed to "GAME 3".
10. A summary of the principal comments and the agency response to them:
No comments were received by the agency.
11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific agency or to any specific rule or class of rules:
Not applicable.
12. Incorporations by reference and their location in the rules:
None.
13. Was the rule previously adopted as an emergency rule?
No
14. The full text of the rules follows:

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 3. ARIZONA STATE LOTTERY COMMISSION

ARTICLE 3. INSTANT LOTTERY GAMES

Section
R19-3-322. "Power Play"

ARTICLE 3. INSTANT LOTTERY GAMES

R19-3-322. "Power Play"

- A. In the latex play area located on the right side of the ticket, 3 play symbols appear in a vertical row with "YOUR SCORE" printed above, and are 1 of the following: "1", "2", "3", "4", "5", "6", "7", "8", "9", or "10" with confirming captions. Three play symbols appear in a vertical row with "THEIR SCORE" printed above, and are 1 of the following: "0", "1", "2", "3", "4", "5", "6", "7", "8", or "9" with confirming captions.
- B. The play symbol captions correspond with and verify the play symbols as follows:

Play Symbol	Caption
0	ZRO
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
7	SVN
8	EGT
9	NIN
10	TEN
- C. Three prize symbols appear in a vertical row with "PRIZE" above and are 1 of the following: "\$1", "\$2", "\$5", or "\$500" with confirming captions.
- D. Prize symbols and captions for "PRIZE" correspond with and verify each of the prize symbols as follows:

Play Symbol	Caption
\$1	ONEDOL
\$2	TWODOL
\$5	FIVEDOL
\$500	FIVHUND

- E. One prize symbol appears directly under the play area with "BONUS BOX" printed above and are 1 of the following: "T-SHIRT" or "TRY AGAIN". The prize symbols and captions for "BONUS BOX" correspond with and verify each of the prize symbols as follows:

Prize Symbol	Caption
T-SHIRT	T-SHIRT
TRY AGAIN	TRY AGAIN
- F. A pack-ticket number beginning with 000001 is located in the lower-left portion on the back of the ticket.
- G. The retailer validation code verifies instant winners of "\$1", "\$2", "\$3", "\$5", "\$8", "\$9", "\$10", "\$15", and "\$500". The retailer validation code which corresponds with and verifies each of these winners is as follows:

ONE	=	\$1	EGT	=	\$8
TWO	=	\$2	NIN	=	\$9
THR	=	\$3	TEN	=	\$10
FIV	=	\$5	FTN	=	\$15
			FHN	=	\$500
- H. A prize winner in the "POWER PLAY" instant game is determined by removing the latex from the play area on the front of the ticket to determine the 2 play symbols and prize symbol identified as "GAME 1", the 2 play symbols and prize symbol identified as "GAME 2", and the 2 play symbols and prize symbol identified as "GAME 3". Neither the retailer validation code (or any portion thereof), the pack-ticket number (or any portion thereof), nor the validation number (or any portion thereof) are play symbols and are not usable or playable as such. If the player's "YOUR SCORE" beats "THEIR

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SCORE" in either "GAME 1", "GAME 2", or "GAME 3", the player wins the prize shown in the corresponding "PRIZE" box. There may be 3 winning games on a ticket. The prizes are as follows:

<u>\$1</u>	=	<u>\$1 (one dollar) or</u>
<u>\$1 + \$1</u>	=	<u>\$2 (two dollars) or</u>
<u>\$2</u>	=	<u>\$2 (two dollars) or</u>
<u>\$1 + \$1 + \$1</u>	=	<u>\$3 (three dollars) or</u>
<u>\$1 + \$2</u>	=	<u>\$3 (three dollars) or</u>
<u>\$5</u>	=	<u>\$5 (five dollars) or</u>
<u>\$1 + \$2 + \$2</u>	=	<u>\$5 (five dollars) or</u>
<u>\$1 + \$2 + \$5</u>	=	<u>\$8 (eight dollars) or</u>
<u>\$2 + \$2 + \$5</u>	=	<u>\$9 (nine dollars) or</u>

<u>\$5 + \$5</u>	=	<u>\$10 (ten dollars) or</u>
<u>\$5 + \$5 + \$5</u>	=	<u>\$15 (fifteen dollars) or</u>
<u>\$500</u>	=	<u>\$500 (five hundred dollars) or</u>
<u>\$500 + \$500</u>	=	<u>\$1,000 (one-thousand dollars)</u>
		<u>or</u>
<u>\$500 + \$500 + \$500</u>	=	<u>\$1,500 (one-thousand five hundred dollars)</u>

BONUS BOX PRIZES:

<u>T-SHIRT</u>	=	<u>NHL t-shirt</u>
<u>TRY AGAIN</u>	=	<u>non-winning ticket</u>

NOTICE OF FINAL RULEMAKING

TITLE 20. COMMERCE, BANKING, AN INSURANCE

CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

PREAMBLE

- Sections Affected:**

R20-5-601

R20-5-602

Rulemaking Action:

Amend

Amend
- The specific authority for rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 23-405(4)

Implementing statute: A.R.S. § 23-410
- The effective date of the rules:**

August 28, 1996
- A list of all previous notices appearing in the Register addressing the final rule:**

Notice of Rulemaking Docket Opening:

2 A.A.R. 1196, March 8, 1996

Notice of Proposed Rulemaking:

2 A.A.R. 1435, April 12, 1996
- The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Cathy Neville, Assistant Director

Division of Occupational Safety and Health

Address: Industrial Commission of Arizona

800 West Washington Street, Suite 203

Phoenix, Arizona 85007

Telephone: (602) 542-1695

Fax: (602) 542-1614
- An explanation of the rule, including the agency's reasons for initiating the rule:**

R20-5-601 requires change to incorporate amendments to the hazard communication standards for the construction industry as published in 59 FR 65947-65948, December 22, 1994, corrections to the occupational exposure to asbestos standards for the construction industry as published in 60 FR 33974-34002, June 29, 1995, corrections to the standards and preamble for occupational exposure to asbestos in the construction industry as published in 60 FR 36043-36044, July 13, 1995, amendments to the safety standards for fall protection in the construction industry as published in 60 FR 39254-39255, August 2, 1995, and corrections and amendments to the occupational exposure to asbestos standards for the construction industry as published in 60 FR 50411-50413, September 29, 1995.

R20-5-602 requires change to incorporate amendments to the hazard communication standards for the general industry as published in 59 FR 65947-65948, December 22, 1994, amendments to the occupational exposure to asbestos standards for the general industry as published in 60 FR 33974-34002, June 29, 1995, corrections and technical amendments to the standards for logging operations in general industry as published in 60 FR 47022-47037, September 8, 1995, and amendments to the occupational exposure to lead standards in the general industry as published in 60 FR 52856-52950, October 11, 1995.

Under its approved state program enforcing the Occupational Safety and Health Act, the state must adopt standards that are at least

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as effective as those adopted by the U.S. Department of Labor. Therefore, the Industrial Commission updates its occupational safety and health standards by adopting by reference the most current and applicable federal occupational safety and health standards for the construction and general industry.

7. A showing of good cause why the rule is necessary to promote statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state.
Not applicable.
8. The preliminary summary of the economic, small business and consumer impact:
The Federal Occupational Safety and Health Administration has determined that these amendments will have minimal to modest impact for most affected industry groups and has determined the amendments to be economically feasible. Cost and benefit analysis of these amendments is available for inspection, review, and copying at the Industrial Commission of Arizona, Division of Occupational Safety and Health, 800 West Washington Street, Phoenix, Arizona 85007.
9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):
None.
10. A summary of the principal comments and the agency response to them:
No comments, either oral or written, were submitted.
11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific agency or to any specific rule or class of rules:
Not applicable.
12. Incorporations by reference and their location in the rules:
29 CFR 1926, *Federal Occupational Safety and Health Standards for the Construction Industry*, with amendments as of September 29, 1995. This incorporation by reference will appear in R20-5-601.
29 CFR 1910, *Federal Occupational Safety and Health Standards for General Industry*, with amendments as of October 11, 1995. This incorporation by reference will appear in R20-5-602.
13. Was the rule previously adopted as an emergency rule?
No.
14. The full text of the rules follows:

TITLE 20. COMMERCE, BANKING, AND INSURANCE

CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

ARTICLE 6. OCCUPATIONAL SAFETY AND HEALTH
CONSTRUCTION STANDARDS

- R20-5-601. The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926
- R20-5-602. The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910

ARTICLE 6. OCCUPATIONAL SAFETY AND HEALTH
CONSTRUCTION STANDARDS

R20-5-601. The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926
Each employer pursuant to A.R.S. § 23-403(B) shall comply with the standards enumerated in the federal Occupational Safety and Health Standards for Construction, as published in 29 CFR 1926, with amendments up to and including (but not including any later amendments or editions) August 22, 1994 as of September 25, 1995, incorporated herein by reference and on file with the Office of the Secretary of State. Copies of these referenced material are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office. These standards shall apply to all conditions and practices related to construction activity by all employers, both public and

private, in the state of Arizona. This incorporation by reference does not include amendments or editions to 29 CFR 1926 published after September 29, 1995.

R20-5-602. The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910

- A. Each employer pursuant to A.R.S. § 23-403(B) shall comply with the standards enumerated in Subparts C through Z inclusive of the federal Occupational Safety and Health Standards for General Industry, as published in 29 CFR 1910, with amendments up to and including (but not including any later amendments or editions) October 12, 1994, as of October 11, 1995, incorporated herein by reference and on file with the Office of Secretary of State. Copies of these reference materials are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office. This incorporation by reference does not include amendments or editions to 29 CFR 1910 published after October 11, 1995.
- B. No change.
- C. No change.
- D. No change.